

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: **Earl et al**

Application No: **10/612,014**

Group Art Unit: **Not yet assigned**

Filed: **July 3, 2003**

Examiner: **Not yet assigned**

For: **Nitrosated Nonsteroidal Antiinflammatory Compounds, Compositions and Methods of Uses**

Attorney Docket No: **102258.156 US1**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C. F. R. §§1.56, 1.97 and 1.98, Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449 Form.

The submission of this Information Disclosure Statement does not represent that a search has been made and does not constitute an admission that the listed documents are material to patentability or that the listed documents are prior art.

A copy of the documents listed on the attached PTO-1449 form is submitted herewith. Since the PTO waived the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003, Applicants are not submitting a copy of the cited U.S. patents or U.S. patent application publications.

This Information Disclosure Statement is being submitted before a first office action on the merits. Accordingly, no fee is believed to be due; however, the Commissioner is authorized to charge any necessary fees or credit any overpayments to Deposit Account No. 08-0219 to maintain the pendency of the present application.

Applicants respectfully request that the Examiner initial and return a copy of the enclosed PTO-1449 form with the next communication from the Patent Office.

Respectfully submitted

Edward D. Grieff  
Registration No. 33,898

Date: October 24, 2003  
HALE AND DORR LLP  
1455 Pennsylvania Avenue, NW  
Washington, DC 20004  
Phone: (202) 942-8400

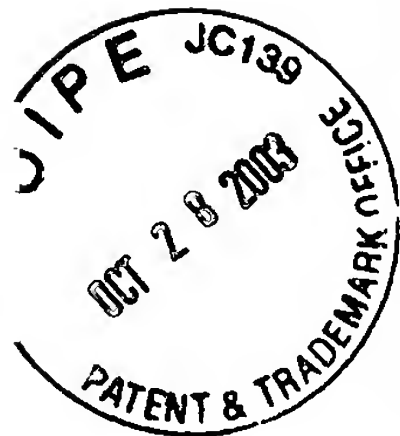
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PTO/SB/08A (08-00)

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	10/612,014
		Filing Date	7/3/03
		First Named Inventor	Earl et al
		Group Art Unit	not yet assigned
		Examiner Name	not yet assigned
Sheet 1	of 9	Attorney Docket Number	102258.156 US1

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		5,621,000		Arena et al	04-15-1997	
		5,700,947		Del Soldato	12-23-1997	
		5,703,073		Garvey et al	12-30-1997	
		5,780,495		Del Soldato	07-14-1998	
		5,861,426		Del Soldato et al	01-19-1999	
		6,040,341		Del Soldato et al	03-21-2000	
		6,043,233		Garvey et al	03-28-2000	
		6,048,858		Garvey et al	04-11-2000	
		6,057,347		Garvey et al	05-02-2000	
		6,083,515		Garvey et al	07-04-2000	
		6,143,734		Garvey et al	11-07-2000	
		6,297,260		Bandarage et al	01-02-2001	
		6,593,347		Bandarage et al	07-15-2003	
		6,051,588		Garvey et al	04-18-2000	
		6,396,260	B1	Sanniccolo et al	04-09-2002	
		6,512,137	B1	Del Soldato et al	01-28-2003	
		6,323,234		Garvey et al	11-27-2001	
		6,482,846		Garvey et al	11-19-2002	
		5,360,925		Chabrier de Lassauniere et	11-01-1994	
		5,859,053		Lesur et al	01-12-1999	

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
		WO	94/04484		Matji et al	03-03-1994		
		WO	94/12463		Arena et al	06-09-1994		
		WO	95/09831		Del Soldato	04-13-1995		
		WO	95/30641		Del Soldato	11-16-1995		
		WO	96/32946		Garvey et al	10-24-1996		
		WO	97/31654		Del Soldato	09-04-1997		
		WO	98/09948		Del Soldato	03-12-1998		
		WO	99/45004		Del Soldato	09-10-2000		
		WO	00/06585		Del Soldato	02-10-2000		
		WO	00/25776		Bandarage et al	05-11-2000		

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Sheet	2	of	9
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<b>Application Number</b>	10/612,014
<b>Filing Date</b>	7/3/03
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<b>Group Art Unit</b>	not yet assigned
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		WO	00/44705		Del Soldato et al	08-03-2000		
		WO	00/51988		Benedini et al	09-08-2000		
		WO	00/72838		Eek et al	12-07-2000		
		WO	00/61537	✓	Del Soldato	10-19-2000		
		WO	00/61541	✓	Del Soldato	10-19-2000		
		WO	00/61549	✓	Del Soldato	10-19-2000		
		WO	00/61604	✓	Del Soldato	10-19-2000		
		WO	99/44595	✓	Del Soldato	09-10-1999		
		WO	97/16405	-	Del Soldato	05-09-1997		
		EP	0 904 110	✓	Del Soldato	07-24-2002		

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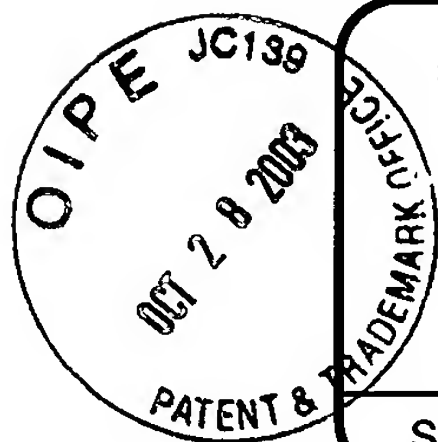


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Sheet | 4

of 9

<b>Application Number</b>	<b>10/612,014</b>
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## U.S. PATENT DOCUMENTS

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		WO	02/092072 ✓	A2	Del Soldato	11-21-2002		
		WO	02/100400 ✓	A2	Del Soldato	12-19-2002		
		WO	02/11706 ✓	A2	Del Soldato et al	02-14-2002		
		WO	02/11707	A2	Del Soldato et al	02-14-2002		
		WO	02/30866		Del Soldato et al	04-18-2002		
		WO	03/000642 ✓	A2	Del Soldato et al	01-03-2003		
		WO	03/000643 ✓	A2	Orgini et al	01-03-2002		
		WO	00/00200		Hamley et al	01-06-2000		
		WO	02/00166	A2	Bergman et al	01-03-2002		
		WO	01/93680	A1	Lai et al	12-13-2001		

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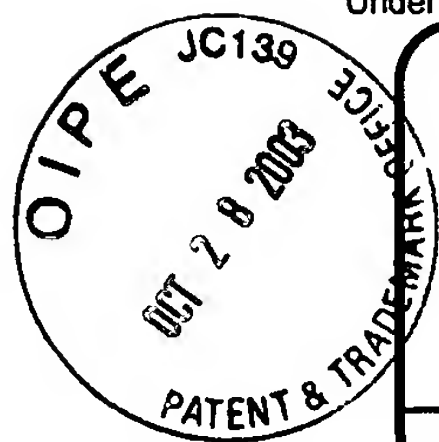
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Sheet

6

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### OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

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		Wallace et al., Trends Pharamcol., Sci., 15(11): 405-406 (1994)	
		Wallace et al., J. Gastroenterol. Hepatol., 9: S40-S44 (1994)	
		Wallace et al., Novel Molecular Approaches to Anti-inflammatory Theory, 121-129 (1994)	
		Wallace et al., Gastroenterol., 106(4), Part 2, A208 (1994) Abstract	
		Wallace et al., Eur. J. Pharmacol., 257:249-255 (1994)	
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		Reuter et al., Life Sciences, 55(1):1-8 (1994)	
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7

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		Carty et al., Agents Actions., 39: 157-165 (1993)	
		Cuzzolin et al, Pharmacol. Res. 31: 61-65 (1995)	
		Barrachina et al., Eur. J. Pharmacol., 281: R3-R4 (1995)	
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		Kitigawa et al., J. Pharamcol. Exp. Therp., 253: 1133-1137 (1990)	
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		Palmer et al., Nature, 333:664-444 (1998)	
		Wallace et al., J. Clin. Invest., 96: 2711-2718 (1995)	
		Konturek et al., Eur. J. Pharmacol., 239:215-217 (1993)	
		Wallace et al., Expert Opinion Inverstigational Drugs, 4(7):613-619 (1995)	
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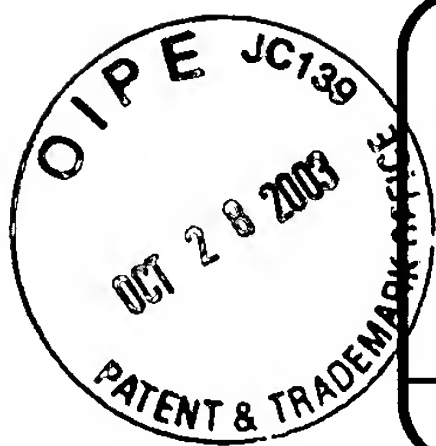
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8

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		Elliott et al., Gastroenterol., 109: 524-530 (1995)	
		Wallace et al., Eur. J. Pharmacol., 63-68 (1995)	
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		Del Soldato et al., Inflammopharmacology, 4: 181-188 (1996)	
		Davies et al., Aliment Pharmacol. Ther., 11: 69-79 (1997)	
		Rautio et al., J. Pharm. Sci., 87: 1622-1628 (1998)	
		Muscara et al., Life Sciences, 62: 235-240 (1998)	

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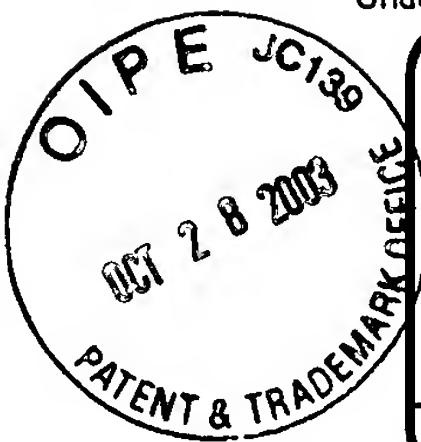
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		Abadi et al., Arch. Pharm. Pharm. Med. Chem. 104-106 (2001)	
		Johal et al., Br. J. Pharmacol., 130: 811-818 (2000)	
		Al-Swayeh et al., Br. J. Pharmacol., 129: 343-350 (2000)	
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		Bing et al., Biochem. Biophys. Res. Comm., 275: 350-353 (2000)	
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		Endres et al., Eur. J. Med. Chem., 34: 895-901 (1999)	

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